

1-1 By: Schwertner, Nichols S.B. No. 1001
 1-2 (In the Senate - Filed February 17, 2023; March 3, 2023,
 1-3 read first time and referred to Committee on Business & Commerce;
 1-4 March 27, 2023, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; March 27, 2023,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 1001 By: Schwertner

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to the regulation of electric vehicle supply equipment;
 1-24 requiring an occupational registration; authorizing fees;
 1-25 authorizing an administrative penalty.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Subtitle A, Title 14, Occupations Code, is
 1-28 amended by adding Chapter 2311 to read as follows:

1-29 CHAPTER 2311. ELECTRIC VEHICLE SUPPLY EQUIPMENT

1-30 SUBCHAPTER A. GENERAL PROVISIONS

1-31 Sec. 2311.0101. DEFINITIONS. In this chapter:

1-32 (1) "Commercial transaction" means any sale or
 1-33 exchange for compensation of electrical energy through a digital
 1-34 network.

1-35 (2) "Commission" means the Texas Commission of
 1-36 Licensing and Regulation.

1-37 (3) "Department" means the Texas Department of
 1-38 Licensing and Regulation.

1-39 (4) "Digital network" means an online-enabled
 1-40 application, website, or system offered or used by an electric
 1-41 vehicle supply provider that allows a user to initiate a commercial
 1-42 transaction to dispense electrical energy from electric vehicle
 1-43 supply equipment to an electric vehicle.

1-44 (5) "Electric vehicle supply equipment" means a device
 1-45 or equipment used to dispense electrical energy to an electric
 1-46 vehicle.

1-47 (6) "Electric vehicle supply provider" means an owner
 1-48 or operator of electric vehicle supply equipment that is available
 1-49 and accessible to the public to provide electrical energy through a
 1-50 commercial transaction.

1-51 SUBCHAPTER B. POWERS AND DUTIES

1-52 Sec. 2311.0201. RULES. The commission shall adopt rules as
 1-53 necessary to implement this chapter.

1-54 Sec. 2311.0202. FEES. The commission by rule shall set fees
 1-55 in amounts sufficient to cover the costs of administering this
 1-56 chapter.

1-57 Sec. 2311.0203. CONTRACT. The department may contract to
 1-58 perform the department's duties related to electric vehicle supply
 1-59 equipment, including inspections. A reference in this chapter to
 1-60 the commission or department in the context of a contracted service

2-1 means the contractor.

2-2 Sec. 2311.0204. INSPECTION OF ELECTRIC VEHICLE SUPPLY
 2-3 EQUIPMENT. The department may periodically, or in response to a
 2-4 complaint, conduct an inspection of electric vehicle supply
 2-5 equipment in order to verify compliance with registration
 2-6 requirements and standards established in this chapter and
 2-7 commission rules, unless electric vehicle supply equipment is
 2-8 exempt from the application of this chapter by commission rule.

2-9 Sec. 2311.0205. COMPLAINTS REGARDING ELECTRIC VEHICLE
 2-10 SUPPLY EQUIPMENT. In accordance with Chapter 51, the executive
 2-11 director of the department shall establish methods by which
 2-12 consumers are notified of the name, Internet website address,
 2-13 mailing address, and telephone number of the department for the
 2-14 purpose of directing complaints to the department.

2-15 Sec. 2311.0206. EXEMPTIONS. (a) The commission by rule may
 2-16 exempt electric vehicle supply equipment from a requirement
 2-17 established by this chapter if the commission determines that
 2-18 imposing or enforcing the requirement:

2-19 (1) is not cost-effective for the department;
 2-20 (2) is not feasible with current resources or
 2-21 standards; or
 2-22 (3) will not substantially benefit or protect
 2-23 consumers.

2-24 (b) Electric vehicle supply equipment is exempt from the
 2-25 requirements of this chapter if, in accordance with commission
 2-26 rule, the electric vehicle supply equipment is:

2-27 (1) installed in or adjacent to a private residence
 2-28 for noncommercial use;
 2-29 (2) provided for the exclusive use of an individual,
 2-30 or a group of individuals, including employees, tenants, visitors,
 2-31 or residents of a multiunit housing or office development; or
 2-32 (3) provided by a business for use at no charge.

2-33 Sec. 2311.0207. REGULATION OF LEGACY CHARGERS. The
 2-34 commission may adopt rules to regulate electric vehicle supply
 2-35 equipment in operation before January 1, 2024, that:

2-36 (1) has never had a metering system in place capable of
 2-37 measuring electricity transferred from the charging station to the
 2-38 vehicle; or
 2-39 (2) is not capable of measuring the time elapsed while
 2-40 actively charging a vehicle and calculating a fee for the charging
 2-41 session.

2-42 SUBCHAPTER C. OPERATION OF ELECTRIC VEHICLE SUPPLY EQUIPMENT

2-43 Sec. 2311.0301. DUTIES OF ELECTRIC VEHICLE SUPPLY PROVIDER.
 2-44 Unless electric vehicle supply equipment is exempt from the
 2-45 application of this chapter or has been removed from service, an
 2-46 electric vehicle supply provider shall:

2-47 (1) have electric vehicle supply equipment inspected
 2-48 as prescribed by commission rule; and
 2-49 (2) maintain electric vehicle supply equipment in
 2-50 compliance with maintenance specifications, this chapter, and
 2-51 commission rule.

2-52 Sec. 2311.0302. REQUIRED REGISTRATION. (a) Unless
 2-53 electric vehicle supply equipment is exempt from the application of
 2-54 this chapter by commission rule, an electric vehicle supply
 2-55 provider shall register each charging unit of electric vehicle
 2-56 supply equipment operated by the provider with the department
 2-57 before the electric vehicle supply equipment is made available for
 2-58 use on a digital network for a commercial transaction.

2-59 (b) The department shall issue a registration to each
 2-60 applicant that meets the requirements of this chapter and submits
 2-61 an application that meets the requirements of this section. An
 2-62 application for electric vehicle supply equipment registration
 2-63 must:

2-64 (1) be submitted to the department in a manner
 2-65 prescribed by the department;
 2-66 (2) be accompanied by any other document or form
 2-67 required by the department;
 2-68 (3) include any fee required under Section 2311.0202;
 2-69 and

3-1 (4) include documentation of compliance with Section
3-2 2311.0303, as prescribed by commission rule.
3-3 Sec. 2311.0303. SPECIFICATIONS. (a) The commission shall
3-4 adopt specifications for the installation and operation of electric
3-5 vehicle supply equipment that are substantially similar to the
3-6 specifications most recently adopted by the National Institute of
3-7 Standards and Technology.
3-8 (b) Electric vehicle supply equipment must be installed and
3-9 operated in accordance with Chapter 1305.
3-10 (c) The commission may adopt rules as necessary to establish
3-11 standards under this chapter.
3-12 Sec. 2311.0304. FEES; DISCLOSURES. (a) An electric
3-13 vehicle supply provider shall disclose on the display of the
3-14 electric vehicle supply equipment or on the electric vehicle supply
3-15 provider's digital network:
3-16 (1) the fee calculation method or methods; and
3-17 (2) applicable surcharges.
3-18 (b) Before the user begins charging, the electric vehicle
3-19 supply provider shall disclose:
3-20 (1) the rate the user will be charged at the time of
3-21 the transaction based on the available fee calculation method or
3-22 methods; and
3-23 (2) a list of applicable surcharges.
3-24 (c) In accordance with commission rule, an electric vehicle
3-25 supply provider shall show on the display of the provider's
3-26 electric vehicle supply equipment or on the provider's digital
3-27 network a notice to consumers that:
3-28 (1) states that the department regulates electric
3-29 vehicle supply equipment; and
3-30 (2) provides information on filing a complaint with
3-31 the department about electric vehicle supply equipment.
3-32 Sec. 2311.0305. RECEIPT. After a reasonable period
3-33 following the completion of a commercial transaction for electric
3-34 vehicle charging, on request of a user, the electric vehicle supply
3-35 provider shall transmit a summary that includes:
3-36 (1) the date and time of the transaction;
3-37 (2) the physical location of the electric vehicle
3-38 supply equipment;
3-39 (3) the duration of and kilowatt hours provided during
3-40 the transaction; and
3-41 (4) an itemization of the total fees paid, including
3-42 surcharges, if applicable.
3-43 Sec. 2311.0306. REPAIR OF DAMAGED ELECTRIC VEHICLE SUPPLY
3-44 EQUIPMENT. (a) An electric vehicle supply provider shall:
3-45 (1) remove from operation in a manner that prevents
3-46 use and access by the public, in accordance with commission rules,
3-47 electric vehicle supply equipment that poses a safety risk; and
3-48 (2) remove electric vehicle supply equipment that
3-49 poses a safety risk from the electric vehicle supply provider's
3-50 digital network listing of available charging units.
3-51 (b) If the department determines that electric vehicle
3-52 supply equipment poses a safety risk, the department shall place a
3-53 tag or other mark with the words "Out of Order" on the electric
3-54 vehicle supply equipment.
3-55 (c) An electric vehicle supply provider may not return
3-56 electric vehicle supply equipment to operation until the equipment
3-57 has been repaired in accordance with manufacturer specifications
3-58 and commission rule.
3-59 SUBCHAPTER D. ENFORCEMENT
3-60 Sec. 2311.0401. DISCIPLINARY ACTION. A person is subject
3-61 to the denial of an application, imposition of an administrative
3-62 penalty under Subchapter F, Chapter 51, or disciplinary action
3-63 under Section 51.353 if the person engages in a commercial
3-64 transaction in violation of this chapter or a rule adopted under
3-65 this chapter.
3-66 Sec. 2311.0402. ADMINISTRATIVE PROCEDURES. A proceeding
3-67 for the denial of a registration or a disciplinary action or an
3-68 appeal from that proceeding is governed by Chapter 2001, Government
3-69 Code.

4-1 SECTION 2. (a) The Texas Commission of Licensing and
4-2 Regulation shall adopt rules necessary to implement the changes in
4-3 law made by this Act not later than December 1, 2024.

4-4 (b) Notwithstanding any other provision of this Act,
4-5 electric vehicle supply equipment installed before December 31,
4-6 2023, is exempt from the requirements of Section 2311.0303,
4-7 Occupations Code, as added by this Act, until the 10th anniversary
4-8 of the date the rules described by Subsection (a) of this section
4-9 are adopted.

4-10 SECTION 3. (a) The Texas Department of Licensing and
4-11 Regulation may establish and lead a stakeholder work group to
4-12 provide input, advice, and recommendations on the activities under
4-13 this Act. The Texas Department of Licensing and Regulation shall
4-14 establish the size, composition, and scope of the stakeholder work
4-15 group.

4-16 (b) This section expires on December 1, 2024.

4-17 SECTION 4. (a) An electric vehicle supply provider shall
4-18 register all of the provider's electric vehicle supply equipment in
4-19 operation in this state not later than March 1, 2025.

4-20 (b) Electric vehicle supply equipment installed in this
4-21 state before the effective date of this Act must be operated in
4-22 compliance with manufacturer specifications, Chapter 2311,
4-23 Occupations Code, as added by this Act, and Texas Commission of
4-24 Licensing and Regulation rules not later than March 1, 2028.

4-25 (c) Electric vehicle supply equipment installed on or after
4-26 the effective date of this Act and before March 1, 2025, must be
4-27 operated in compliance with manufacturer specifications, Chapter
4-28 2311, Occupations Code, as added by this Act, and Texas Commission
4-29 of Licensing and Regulation rules not later than March 1, 2025.

4-30 (d) Electric vehicle supply equipment installed on or after
4-31 March 1, 2025, must be operated in compliance with manufacturer
4-32 specifications, Chapter 2311, Occupations Code, as added by this
4-33 Act, and Texas Commission of Licensing and Regulation rules, and be
4-34 registered with the Texas Department of Licensing and Regulation
4-35 prior to operation.

4-36 SECTION 5. This Act takes effect immediately if it receives
4-37 a vote of two-thirds of all the members elected to each house, as
4-38 provided by Section 39, Article III, Texas Constitution. If this
4-39 Act does not receive the vote necessary for immediate effect, this
4-40 Act takes effect September 1, 2023.

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